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9 Attorney for Plaintiffs

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE DISTRICT OF MONTANA**
12 **GREAT FALLS DIVISION**

13 SUSAN WIPPERT,) CV
14)
15 Plaintiff,)
16 vs.)
17) **COMPLAINT**
18 UNITED STATES OF AMERICA,)
19)
20 Defendant.)
21)

22 Plaintiff alleges as follows:

- 23 1. Plaintiff Susan Wippert is an enrolled member of the Blackfeet tribe, a
24 citizen of the State of Montana, and a resident of Glacier County, Montana.
25 2. This Court has jurisdiction over this cause of action pursuant to the Federal
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1 Tort Claims Act, 28 U.S.C. 2671, *et seq.*, because the claim arises from
2 conduct of federal government agents and Plaintiff has exhausted
3 administrative remedies.
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5 3. This Court has exclusive jurisdiction over tort claims brought against the
6 United States pursuant to 28 U.S.C. § 1346(b).
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8 4. Plaintiff filed Federal Tort Claim Act claims on June 16, 2016, and the
9 Department of Health and Human Services received the claims on June 21,
10 2016. The government has not acted on the claims, therefore Plaintiff's
11 claims are now ripe for adjudication.
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13 5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(e) and 1402(b).
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15 6. In the summer of 2014, Ms. Wippert, who had a history of intravenous drug
16 usage, was in a tribal residential drug treatment facility and experienced
17 back pain.
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19 7. Over the course of several weeks, Ms. Wippert presented to the Indian
20 Health Service Browning Community Hospital on several occasions with
21 lower back pain radiating to legs and neck.
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23 8. At the Indian Health Service Browning Community Hospital Ms. Wippert
24 was eventually diagnosed with possible sepsis, admitted to the hospital on
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1 August 9, 2014, and given a series of antibiotics.

2 9. When a water pipe broke at the Browning hospital, Ms. Wippert was
3 transferred to the Kalispell Regional Medical Center on August 11, 2014.
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5 10. Upon arrival at the Kalispell Regional Medical Center, medical providers
6 there determined that Ms. Wippert had extensive epidural abscesses as
7 well as paraspinal muscle abscesses.
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9 11. Ms. Wippert underwent multi-level laminotomies and all cultures tested
10 positive for MRSA.
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12 12. Ms. Wippert was transferred back to Browning Community Hospital on
13 August 26, 2014, where she continued antibiotic treatments for several
14 months.
15

16 13. Ms. Wippert continues to have pain in her back and has difficulty moving,
17 bending, and lifting.
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19 14. Health care providers at the Browning Community Hospital violated the
20 standard of care from in July and August of 2014 when they failed diagnose
21 Ms. Wippert's medical condition. This failure caused Ms. Wippert's
22 condition to deteriorate.
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24 15. IHS health care providers were negligent and violated the standard of care
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1 in failing to properly assess and properly treat Ms. Wippert's condition
2 upon her presentations to the IHS from July of 2014 through August of
3 2014. The failure to assess and treat Ms. Wippert in a timely manner
4 caused her condition to deteriorate.
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7 16. As a direct and proximate result of each of the acts and omissions of the
8 IHS and IHS health care providers alleged in this Complaint, Ms. Wippert
9 suffered severe and painful injuries and that required extensive treatment.
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13 **WHEREFORE**, Plaintiff demands judgment against the Defendant as follows:

- 14 1. For judgment in such amounts as shall be proven at the time of trial.
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16 2. For an award of attorney's fees and costs as provided by any
17 applicable provision of law.
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19 3. For such other and further relief as the Court deems just and
20 equitable.
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22 DATED this 23rd day of June, 2017.
23

24 /s/ Timothy M. Bechtold
25 BECHTOLD LAW FIRM, PLLC
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